



PAC

PATENT
Attorney Docket No. 02376.0006-04000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:)
Gondouin)
U.S. Patent No. RE38,616) Application No.: 09/944,115
Issued: October 12, 2004) Filed: September 4, 2001
For: DOWNHOLE EQUIPMENT,)
TOOLS AND ASSEMBLY)
PROCEDURES FOR THE)
DRILLING, TIE-IN AND)
COMPLETION OF VERTICAL)
CASED OIL WELLS)
CONNECTED TO LINER-)
EQUIPPED MULTIPLE)
DRAINHOLES)

RECEIVED

JAN 06 2007

OFFICE OF PETITIONS

12/21/2006 HMARZI1 00000001 RE38616
01 FC:1463

200.00 OP

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION FOR REVIEW OF DECISION REFUSING
TO ACCEPT AND RECORD PAYMENT OF A MAINTENANCE
FEES FILED PRIOR TO EXPIRATION OF PATENT UNDER 37 CFR § 1.377

The USPTO PAIR website lists the above-identified reissue patent as expired for failure to pay the 8th year maintenance fee due on October 31, 2003. The 8th year maintenance fee, however, was paid and accepted by the USPTO on the immediate parent reissue patent.

The application that issued as the above-identified reissue patent was filed as a

continuation application from U.S. Appln. 08/861,457 (which issued as RE37,867 on

Patent date: 01/16/2007 CKHLOK
12/21/2006 HMARZI1 00000001 RE38616
01 FC:1463 -200.00 OP
Ref: 01/16/2007 CKHLOK 0000155495

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October 8, 2002). The '457 application was itself filed as a reissue application from U.S. Patent 5,462,120. The '120 patent issued on October 31, 1995, and therefore, the three maintenance fee due dates for the '120 patent and any reissue are April 31, 1999, April 31, 2003, and April 31, 2007. The first maintenance fee was paid for the '120 patent on April 16, 1999, and Applicant encloses the maintenance fee statement showing payment. Prior to the due date for the second maintenance fee, the '457 application granted as the '867 reissue patent. The second maintenance fee was paid on June 6, 2003 with surcharge for the '867 reissue patent since the '120 patent was surrendered prior to issuance of the '867 reissue patent. Applicant also encloses the maintenance fee statement showing payment of this fee, as well. Only after the second maintenance fee was paid did the above-referenced reissue patent issue.

It appears that in assessing the above-referenced reissue patent, the USPTO only reviewed the file history of the '120 patent and not the '867 reissue patent for payment of the second maintenance fee. The USPTO PAIR page indicates that this reissue patent is expired for failure to pay the second maintenance fee. As only one issued patent was in force as of the due date for the second maintenance fee, only one fee was due, and that fee was paid for the '867 reissue patent.

Therefore, Applicants requests that the USPTO correct the PAIR designation and provide written confirmation that this reissue patent is in good standing.

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The Applicant first became aware of this discrepancy on October 30, 2006, and have filed this request within two months of the action complained of.

Applicant hereby petitions for revival of this application. The petition fee of \$200.00 is enclosed. Applicant requests a refund of this petition fee, as Applicant believes this is the result of a USPTO error.

If there are any other fees due in connection with the filing of this response, including any fees required for an extension of time under 37 CFR § 1.136, such an extension is requested, and the Commissioner is authorized to charge any related fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 19, 2006

By: Rebecca M. McNeill
Rebecca M. McNeill
Reg. No. 43,796

96-31380

Filed 06-21 1996

NATURAL RESERVES GROUP INC

PLAINTIFFS

BAYKO, TOM

NATURE OF ACTION

BREACH OF CONTRACT

viii

BAKER HUGHES INCORPORATED

DEFENDANTS

SURRETTES ON COST BOUND

General Order of Court

AUG 16 1996 Case transferred to 35

Administrative Justice Civil

Alleg. 2, 3 1995 Status Conference:

Autism with Dystonia (and/or)

To contacts previously treated with 1.0% Ointment Cofloxacin - ~~to~~ ~~not~~ ~~seen~~

Answer : Level 1 Intermediate

AUG 3 1956 Oahu HI

1496 Phineas Cordeiro, no classifier

Anti-Diagonal: will never change

SEP 22 1996

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11/0-11-916 MT GOMBER

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جعفر بن محبث

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FEB-11 1997 No. 96-31380

General Order of Court

333-1d

Judicial Dis

JUN 17 1997 Application for Writs Regarding
Solicitor General's Motion to Stay Execution

JUL 22 1997 Motion for Modification of Stay Order

AUG 01 1997 Motion for Stay of Execution

AUG 07 1997 After hearing Motions to Stay Execution
[REDACTED] Order Denying Motion to Stay Execution

SEP - 1997 Motions (None); "Roster" Discovery Under Amendment; [REDACTED] Case Management; Motions to be heard under Agreement of the Parties

SEP - 1997 Motions for Conference

SEP 10 1997 Oral Hearing on Motion Summary Judgment

SEP 20 1997 Supplemental Appeal Protective Order

APR 07 1998 Order on Motion to Open Petition

APR 23 1998 Motion for Modification of Stay Order

JUN 02 1998 Order Granting Letters of Credency SIGNED
JUL 24 1998 Motion for Stay of Execution

Aug 13, 1998: Dept to be taken on 8/1/98; UNL may prevail 1st. Ch.